

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE, INDIANA**

<b>ESTEBAN RIVERA</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>HOME DEPOT, INC</b>	)	<b>CAUSE NO. 1:22-cv-00767</b>
	)	
<b>Defendant,</b>	)	

**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, name-above, complains of act and omissions by the Defendant. In support of her Complaint and as cause of action against the Defendant, Plaintiff respectfully submits the following:

**JURISDICTION**

1. This suit is authorized and instituted pursuant to Title VII 42 U.S.C. § 2000e and Family Medical Leave Act (“FMLA”), 29 U.S.C. § 2601, et seq.
2. Plaintiff filed a charge with the Equal Employment Opportunity Commission (EEOC) and received a notice to sue on February 1, 2022.

**PARTIES**

3. Plaintiff is Hispanic male and at all relevant times he resided in the Southern District of Indiana.
4. Defendant is a corporation doing business in the State of Indiana in the Southern District of Indiana.

**FACTS**

5. Plaintiff began working for the Defendant in 2016 as a technician.

6. In October 2018, Plaintiff was promoted to a supervisor.

7. Plaintiff performed his job well.

8. Plaintiff was the only Hispanic member of management.

9. Within six months of being promoted, Plaintiff was written up for speaking to sternly. However, Plaintiff never spoke sternly to anyone. During the coaching, Plaintiff's Supervisor mentioned him speaking Spanish to the Spanish-speaking associates.

10. Plaintiff's supervisors called him the "black sheep" of the team and that none of his peers liked him.

11. In the beginning of 2021, Plaintiff informed management that he needed to take FMLA leave due to the birth of his child in March/April 2021.

12. On February 5, 2021, an accident occurred between two associates using heavy machinery.

13. Plaintiff wrote an incident report regarding the accident in the manner in which he was informed to do so by his supervisors.

14. Plaintiff was terminated for allegedly not following proper post-accident safety protocols and not reporting the incident timely.

15. However, another supervisor has had multiple accidents that occurred on his team including two associates who were operating equipment and collided and required one associate to be transported by ambulance and has never been written up or terminated.

16. Non-Hispanic managers have engaged in similar conduct and of similar seriousness, however, they have not been terminated.

17. Plaintiff was terminated due to his national origin.

18. Plaintiff was terminated for requesting FMLA.

**COUNT I**

19. Plaintiff incorporates by reference paragraphs 1-18.

20. Defendant, as a result of terminating Plaintiff due to his national origin, violated Title VII 42 U.S.C. § 2000 et al.

**COUNT II**

21. Plaintiff incorporates by reference paragraphs 1 -18.

22. Defendant, as a result of interfering with Plaintiff's FMLA rights, violated Family and Medical Leave Act ("FMLA"), 29 U.S.C. § 2601, et seq.

**COUNT III**

23. Plaintiff incorporates by reference paragraphs 1 -18.

24. Defendant, as a result of retaliating against Plaintiff, violated Family and Medical Leave Act ("FMLA"), 29 U.S.C. § 2601, et seq.

WHEREFORE, Plaintiff respectfully requests that the Court grant the following relief:

- A. Award Plaintiff back pay and benefits lost;
- B. Award Plaintiff compensatory damages for future pecuniary loss, emotional pain and suffering, inconvenience, mental anguish and loss of enjoyment of life;
- C. Award Plaintiff punitive damages;
- D. Award Plaintiff liquidated damages;
- E. Award Plaintiff his cost in this action and reasonable attorney fees;

F. Grant Plaintiff any other relief which is allowable under the circumstances of this case.

Respectfully Submitted

s//Amber K. Boyd  
Amber K. Boyd 31235-49  
Attorney for Plaintiff

**REQUEST FOR JURY TRIAL**

Comes now the Plaintiff and requests that this cause be tried by a jury.

Respectfully Submitted

s//Amber K. Boyd  
Amber K. Boyd 31235-49  
Attorney for Plaintiff

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Amber K. Boyd Attorney at Law  
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